

AMENDED IN SENATE MAY 9, 2016

AMENDED IN SENATE JULY 1, 2015

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 385**

**Introduced by Assembly Member Chu**

February 18, 2015

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~~An act to add and repeal Article 6 (commencing with Section 40280) of the Health and Safety Code, relating to air pollution. An act to add Section 6808 to the Government Code, and to repeal Sections 1, 2, 3, 4, and 5 of the Daylight Saving Time Act, an initiative measure approved at the November 8, 1949, special election, relating to Daylight Saving Time.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 385, as amended, Chu. ~~Solid waste facilities: Newby Island Landfill: stakeholder group. Daylight Saving Time.~~

*Existing federal law establishes the standard time of the United States for each of 9 zones and advances the standard time of each zone by one hour during the period commencing at 2 a.m. on the 2nd Sunday of March of each year and ending at 2 a.m. on the first Sunday of November of each year. Existing state law, the Daylight Saving Time Act, which was adopted as an initiative measure by the voters at the November 8, 1949, special election, provides that the standard time*

*within the state is that which is known, described, and designated by federal law as United States Standard Pacific Time. The act also requires, from 1 a.m. on the last Sunday of April, until 2 a.m. on the last Sunday of October, the standard time within the state to be one hour in advance of United States Standard Pacific Time.*

*This bill would repeal the Daylight Saving Time Act, and would require the standard time within the state to be that of the 5th zone designated by federal law as Pacific standard time. The bill would authorize the Legislature to amend its provisions by a majority vote to further the purposes of the bill.*

*The California Constitution authorizes the Legislature to amend or repeal an initiative statute by another statute that becomes effective when approved by the electors.*

*This bill would provide that it would become effective only upon approval of the voters. It would also provide for submission of this measure to the voters for approval at the next statewide general election.*

~~The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, prohibits a person from operating a solid waste facility without a solid waste facilities permit, as provided. The act requires the department to prepare and adopt certification regulations for local enforcement agencies. The act requires the local enforcement agency, if it receives a complaint from an air pollution control district or an air quality management district pertaining to an odor emanating from a compost facility under its jurisdiction, to take appropriate enforcement actions, as provided. Existing law creates the Bay Area Air Quality Management District, with various responsibilities relative to the reduction of air pollution in the area of its jurisdiction.~~

~~This bill would, until January 1, 2019, require the Bay Area Air Quality Management District to establish a South Bay Odor Stakeholder Group, composed of representatives of specified local and state government agencies, members of the public, and a representative of the landfill operator, among other entities, to hold public meetings, relating to odors that emanate from the Newby Island Landfill and locations around the landfill and take other actions as provided. By imposing new duties on the Bay Area Air Quality Management District, this bill would create a state-mandated local program.~~

~~The bill would declare that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 6808 is added to the Government Code,  
2     to read:  
3     6808. (a) The standard time within the state is that of the fifth  
4     zone designated by federal law as Pacific standard time (15 U.S.C.  
5     Secs. 261 and 263).  
6     (b) The Legislature may amend this section by a majority vote  
7     to further the purposes of the act that added this section.  
8     SEC. 2. Section 1 of the Daylight Saving Time Act is repealed.  
9     ~~Section 1. This act shall be known and may be cited as the~~  
10    ~~Daylight Saving Time Act.~~  
11    SEC. 3. Section 2 of the Daylight Saving Time Act is repealed.  
12    ~~Section 2. The standard time within the State, except as~~  
13    ~~hereinafter provided, is that of the One Hundred and Twentieth~~  
14    ~~(120th) degree of longitude west from Greenwich and which is~~  
15    ~~now known, described and designated by Act of Congress as~~  
16    ~~"United States Standard Pacific Time."~~  
17    SEC. 4. Section 3 of the Daylight Saving Time Act is repealed.  
18    ~~Sec. 3. From 1 o'clock antemeridian on the last Sunday of~~  
19    ~~April, until 2 o'clock antemeridian on the last Sunday of October,~~  
20    ~~the standard time in this State so established shall be one hour in~~  
21    ~~advance of the standard time now known as United States Standard~~  
22    ~~Pacific time.~~  
23    SEC. 5. Section 4 of the Daylight Saving Time Act is repealed.  
24    ~~Section 4. In all laws, statutes, orders, decrees, rules and~~  
25    ~~regulations relating to the time of performance of any act by any~~  
26    ~~officer or department of this State, or of any county, city and~~  
27    ~~county, city, town or district thereof or relating to the time in which~~  
28    ~~any rights shall accrue or determine, or within which any act shall~~

1 or shall not be performed by any person subject to the jurisdiction  
2 of the State, and in all the public schools and in all other institutions  
3 of this State, or of any county, city and county, city, town or district  
4 thereof, and in all contracts or choses in actions made or to be  
5 performed in this State, the time shall be as set forth in this act and  
6 it shall be so understood and intended.

7 *SEC. 6. Section 5 of the Daylight Saving Time Act is repealed.*

8 ~~SECTION 5. All acts in conflict herewith are hereby repealed.~~

9 *SEC. 7. Sections 1 to 6, inclusive, of this act amend the Daylight*  
10 *Saving Time Act, Proposition 12, an initiative statute approved*  
11 *by the voters at the November 8, 1949, special election, and shall*  
12 *become effective only when submitted to and approved by the*  
13 *voters. The Secretary of State shall submit Sections 1 to 6,*  
14 *inclusive, of this act to the voters at a statewide election in*  
15 *accordance with Section 9040 of the Elections Code.*

16 ~~SECTION 1. Article 6 (commencing with Section 40280) is~~  
17 ~~added to Chapter 4 of Part 3 of Division 26 of the Health and Safety~~  
18 ~~Code, to read:~~

19  
20 ~~Article 6. South Bay Odor Stakeholder Group~~

21  
22 ~~40280. (a) The bay district shall establish a South Bay Odor~~  
23 ~~Stakeholder Group, comprised of the following members:~~

24 ~~(1) A representative from each of the City of San Jose, the City~~  
25 ~~of Milpitas, and the City of Fremont, who shall be appointed by~~  
26 ~~the city council of the respective city and who shall represent that~~  
27 ~~city.~~

28 ~~(2) A representative of the local enforcement agency for the~~  
29 ~~city of San Jose.~~

30 ~~(3) A representative of the bay district, who shall be appointed~~  
31 ~~by the district.~~

32 ~~(4) A representative of the San Francisco Bay Area Regional~~  
33 ~~Water Quality Board.~~

34 ~~(5) A representative of the California Coastal Conservancy and~~  
35 ~~a representative of the California Environmental Protection~~  
36 ~~Agency.~~

37 ~~(6) A representative of the South Bay Salt Pond Restoration~~  
38 ~~Project.~~

39 ~~(7) A representative of the San Jose-Santa Clara Regional~~  
40 ~~Wastewater Facility.~~

1     ~~(8) A representative of the entity that represents the Newby~~  
2     ~~Island Landfill and associated landfill operations, and a~~  
3     ~~representative of a dry fermentation anaerobic digestion facility~~  
4     ~~that operates in the City of San Jose.~~

5     ~~(9) Two members of the public, who shall be agreed upon and~~  
6     ~~appointed by the city councils of the cities described in paragraph~~  
7     ~~(1).~~

8     ~~(b) The stakeholder group shall do all of the following:~~

9     ~~(1) Hold a public meeting, at least once every six months, but~~  
10    ~~more frequently if desired by the stakeholder group, to discuss~~  
11    ~~issues related to odors that emanate from the Newby Island Landfill~~  
12    ~~and odors that emanate from other locations around the landfill.~~

13    ~~(2) Receive and review information related to an independent~~  
14    ~~odor study, if such a study is completed, and make~~  
15    ~~recommendations to the government agencies, including the~~  
16    ~~California Environmental Protection Agency, represented on the~~  
17    ~~committee.~~

18    ~~(c) This section shall remain in effect only until January 1, 2019,~~  
19    ~~and as of that date is repealed, unless a later enacted statute, that~~  
20    ~~is enacted before January 1, 2019, deletes or extends that date.~~

21    ~~SEC. 2. The Legislature finds and declares that a special law~~  
22    ~~is necessary and that a general law cannot be made applicable~~  
23    ~~within the meaning of Section 16 of Article IV of the California~~  
24    ~~Constitution because of the unique odors that emanate from various~~  
25    ~~locations around the Newby Island Landfill located in the County~~  
26    ~~of Santa Clara.~~

27    ~~SEC. 3. If the Commission on State Mandates determines that~~  
28    ~~this act contains costs mandated by the state, reimbursement to~~  
29    ~~local agencies and school districts for those costs shall be made~~  
30    ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
31    ~~4 of Title 2 of the Government Code.~~